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NON-METALLIC MINE
RECLAMATION
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CONSIDERATIONS FOR NON-MINING ACTIVITY WITHIN A NON-METALLIC MINE'S FOOTPRINT

DISCERNING THE SCOPE OF RECLAMATION

What is nonmetallic mining?

What is non-mining activity?

So, what does reclamation cover?

Affect of non-mining activity

WHAT IS NONMETALLIC MINING?

- Defined in NRI 35.03(13) – Components:
 1. Excavations: The means to remove material from the earthen state (drilling, blasting, grading and dredging)
 2. Processes to prepare the mineral aggregate (crushing, screening, scalping, dewatering, and stockpiling)
- Exclusions
 - Does not include incidental removal of earthen materials resulting from other activity
 - Does not include areas not used for NMM
- Administration is guided by this definition
 - The reclamation plan
 - Program management including assessment of annual fees and financial assurance
 - Evaluate compliance with the permit







WHAT IS NON-MINING ACTIVITY?

- Referred to under exclusions to the definitions of a NMM site (NR 135.03(16)(b)).
 - Any area previously mined (before 08/01/2001) that is not used for NMM purposes.
 - Includes any stockpiles left over that is used for other industrial processes.
- Referred to under exclusions to the definitions of un-reclaimed acre (NR 135.03(25)(b)).
 - Any area previously mined (before 08/01/2001) that is used for a non-mining purpose including:
 - Industrial activity such as asphalt plants, concrete batch plants, block and tile operation or other industry that uses NMM products
- Note:
 - Reclamation permits can't regulate non-mining activity, or place conditions for other permits (not enforceable)
 - Reclamation plans don't include portions of a site not used for nonmetallic mining
 - Non-mining activity may be covered under (a) permit(s) separate from reclamation (other Federal, State, or Local permit).
 - The non-mining activity may or may not be compatible with the NMM site.



COMPATIBILITY - PORTABLE PLANTS



SET UP IN PIT FLOOR

- Operation dependent on the NMM
- Stays for short duration or limited project timeline
- Materials brought in only for the specific project and timeline



COMPATIBILITY - PERMANENT PLANTS



CLEAR SEPARATION

- Continued operation exclusive of the NMM
- Stays in place for an extended period
- May bring in aggregate from other locations



COMPATIBILITY

Other non-mining activity

- Recycling
- Composting
- Laydown Yards





AFFECT OF NON-MINING ACTIVITY ON RECLAMATION

- Compatible activity
 - Temporary activity (limited timeframe)
 - Does not prevent reclamation from taking place
- Incompatible activity
 - Permanent activity (independent and continues after mining stops)
 - Displacement (Site no longer resembles a mine)



WHAT DOES RECLAMATION COVER?

- Only areas affected by nonmetallic mining.
- Sites must comply with standards. If the plan doesn't address it, it still applies
 - Contemporaneous reclamation is a standard!
 - Any part of the mine site where the operator stops (edge of property, depletion of resource) must undergo reclamation.
 - No timeline for how long the site can sit without reclaiming. They mine, and they reclaim. If they aren't mining, they should at least be reclaiming!
- The longer a site sits without reclamation, the cost to reclaim increases.
- The longer a site sits without reclamation, the exposure to environmental pollution increases.
- The longer a site sits without reclamation, the opportunity for non-mining activity increases.

TESTING THE AFFECT

- How do you know if reclamation has been affected?
 - Can the site be reclaimed to the post mining land Use?
 - Are (permanent or other constructed) structures present that are unrelated to mining and not identified in the reclamation plan?
 - Does the activity bring in materials from offsite for purposes other than use in reclamation?
 - Are there other permits issued for the activity with no specific end-date?
 - Can the reclaimed site meet the intent of the standards?
 - Is the activity transient in nature and poses little or no environmental pollution?
 - Does the activity require practices not consistent with reclamation practices?
 - Can the criteria in the approved plan be achieved?
 - Will it take Herculean efforts to reach the approved plan for revegetation, slope stabilization, removal of structures, and other criteria?

WHAT TO DO?

- If reclamation is not affected, carry on, but ask operator to consider conducting reclamation to reduce the overall footprint of the mine
- If reclamation is affected, can the reclamation plan be modified? (new PMLU, Criteria, meet standards)
- If reclamation is affected and the plan can't be modified, order reclamation to be done to the approved plan
 - Once released, the owner may petition to use the land for something else

QUESTIONS?

